

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Carlos Alberto Gutierrez

v.

Case No. 23-cv-138-LM

FCI Berlin, Warden


ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 30, 2023. The Warden's motion to dismiss (Doc. No. 5) is denied without prejudice as moot.

"'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'"

School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The clerk is directed to enter judgment and close the case.



Landva B. McCafferty
United States Magistrate Judge

Date: July 12, 2023

cc: Carlos Alberto Gutierrez, pro se
Counsel of Record